

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- V - :

**DECLARATION  
19 Cr. 606 (SHS)**

**DELOWAR HOSSAIN,** :

Defendant. :

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I, Andrew John Dalack, hereby affirm under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am one of the attorneys of record for the defendant in the above-captioned case, Delowar Hossain. I make this Declaration in support of Hossain's motion to set aside the verdict or for an evidentiary hearing. The statements in this Declaration are based on my best recollection of events. I have not included every detail of what occurred.

2. On October 14, 2021, one of the jurors who decided Hossain's case contacted my co-counsel and me by e-mail. See Exhibit A. In that correspondence, the juror expressed concern about the Government's use of confidential human sources in this case, and expressed a desire to speak with my co-counsel and me about our familiarity with the Government's use of confidential human sources in non-terrorism criminal cases.

3. On October 18, 2021, my co-counsel and I spoke with the juror by telephone. During that conversation, the juror explained that it seemed to him/her that the Government's use of

confidential human sources in Hossain's case was excessive and heavy-handed. The juror also mentioned that Hossain's failure to call any witnesses, including himself, was discussed and considered during deliberations, despite the Court's instructions to the contrary.

4. Specifically, the juror explained that it seemed that other jurors were looking to the defense to affirmatively present some alternative narrative about why Hossain did what he did, and that some jurors wanted to hear more than just argument from Hossain's attorneys about why Hossain would have wanted to travel to Thailand.

DATED: New York, New York  
November 24, 2021

  
Andrew J. Dalack, Esq.